

Appl. No. 09/755,408
Atty. Docket No. 7903M
Amdt. dated February 7, 2006
Reply to Office Action of November 2, 2005
Customer No. 27752

REMARKS

Claims 1, 3-5, 8-14, 16-17, and 24-34 remain in this Application and are presented for the Examiner's reconsideration in light of the following comments.

Rejection Under 35 U.S.C. §102

Claims 21-27 and 34 have been rejected under 35 USC §102(b) as unpatentable over *Harrison* GB 2194514. Applicants respectfully traverse this rejection. The *Harrison* reference fails to teach or suggest each of the claimed limitations. Specifically, the *Harrison* fails to teach or suggest upstandable sidewalls. The sidewalls of the reference are not upstandable they are fixed in relation to the floor pan of the container. The reference also fails to teach or suggest the claimed relationship between the sidewalls and the reinforcing panel. Specifically, the container 102 of the reference comprises sidewalls 12, 14. These sidewalls 12, 14 are releasably attached to reinforcing panels 28, 30 but the reinforcing panels 28, 30 are not part of container 102 when they are not attached to sidewalls 12, 14. Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 21-23, have been rejected under 35 U.S.C. 102(e) as being anticipated by *Quirion*, U.S. Patent No. 6,050,410. *Quirion* fails to teach or suggest each of the limitations of the invention as claimed. Specifically, *Quirion* fails to teach or suggest the releasable engagement by the struts of the container to provide reinforcement of the sidewalls.

As provided by the Office Action, either elements 50 and 52 or alternatively elements 64 and 66 comprise the struts of the claimed invention. None of the cited elements releasably engages the container to provide reinforcement for the sidewalls of the container. In each of the provided interpretations the reference fails to teach or suggest each of the claimed limitations of the invention.

Claims 21-23, have been rejected under 35 U.S.C. 102(b) as being anticipated by *Bolton, Sr.*, U.S. Patent No. 4,606,461. The *Bolton Sr.* reference fails to teach or suggest each of the claimed limitations of the present invention much in the same manner as the *Quirion* reference. *Bolton Sr.* fails to teach struts which articulably and also releasably engage the container to provide reinforcement for the container sidewalls and disengage to cease to provide reinforcement. This rejection should be reconsidered and withdrawn.

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Rejection Under 35 U.S.C. §103

Claims 24-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Quirion* and *Bolton Sr.* in view of *Harrison*. The *Harrison* reference teaches the use of a tabbed internal container in conjunction with a tab accepting external container to form a composite container. The *Harrison* reference is offered to provide a teaching of the use of interacting tabs and apertures in view of claims 24 -27. Applicants submit that the proposed combination is improperly motivated by a hindsight view of Applicants claimed invention.

The combination is improper in that *Harrison* is added for the idea of using tabs and slots to join package elements to each other. The *Quirion* and *Bolton Sr.* references do not teach that the sidewalls and struts are joined but simply illustrate a reinforcement of sidewalls with struts that are brought to a position adjacent to the designated sidewalls. Neither reference teaches a need for any type of attachment between sidewall and strut and the only motivation to introduce a means for such an attachment is the claimed invention. *Harrison* is not properly introduced to illustrate an alternative means for joining struts to sidewalls over the means taught in *Quirion* or *Bolton Sr.* *Harrison* is introduced to fill the gap in the teaching of *Quirion* or *Bolton Sr.* when the teaching of the references is compared – improperly in hindsight – to the claimed invention.

Claims 22-23 are rejected under 35 USC §103(a) as being unpatentable over *Harrison* in view of *Artusi* (US 4,801,017). Applicants respectfully traverse this rejection. The cited combination of references fails to teach or suggest each of the limitations of the invention as claimed and the combination is also improperly motivated by a hindsight examination of the claimed invention.

Harrison does not teach or suggest all of the claimed limitations of independent claim 21 or the additional limitation of claim 22. The *Harrison* reference fails to teach or suggest each of the claimed limitations. Specifically, the *Harrison* fails to teach or suggest upstandable sidewalls. The sidewalls of the reference are not upstandable they are fixed in relation to the floor pan of the container. The reference also fails to teach or suggest the claimed relationship between the sidewalls and the reinforcing panel. Specifically, the container 102 of the reference comprises sidewalls 12, 14. These sidewalls 12, 14 are releasably attached to reinforcing panels 28, 30 but the reinforcing panels 28, 30 are not part of container 102 when they are not attached to sidewalls 12, 14. The *Harrison* also fails to teach or suggest that the reinforcing panels are articulably joined to the container. The *Artusi* reference teaches reinforcing panels that are articulably joined to a floor pan but releasably

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joined to the container. The Office Action provides that it would have been obvious to add the articulating reinforcing panels of *Artusi* to the container of *Harrison* to accommodate the collapsing structure. *Artusi* does not teach or suggest reinforcing panels that articulate with the container and of greater significance, *Harrison* does not teach a collapsing structure in need of articulating reinforcing panels. Only by starting with the invention as claimed is a need for articulating reinforcing panels to work in congress with a collapsing structure taught. The cited combination is both improper and also fails to support a *prima facie* case of obviousness under 35 USC § 103(a) by failing to teach or suggest all of the limitations of the invention as claimed. This rejection should be reconsidered and withdrawn.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicant's remaining claims is in condition for allowance and favorable reconsideration is requested.

Respectfully submitted,

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By


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